



TOWN OF HAYMARKET TOWN COUNCIL

CONTINUATION MEETING ~ MINUTES ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Thursday, July 10, 2014

6:00 PM

Council Chambers

A Continuation Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 6:00 PM

Mayor David Leake called the meeting to order.

1. Call to Order

Councilwoman Pam Swinford: Present, Councilman Matt Caudle: Present, Councilman Chris Morris: Present, Councilman Kurt Woods: Present, Councilman Joe Pasanello: Present, Vice Mayor Steve Aitken: Present, Mayor David Leake: Present.

2. Agenda Items

A. Enter into Closed Session

Move to enter into closed session pursuant to VA 2.2-3711

A(1) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, specifically personnel matters of the police department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Woods, Councilman
SECONDER:	Steve Aitken, Vice Mayor
AYES:	Swinford, Caudle, Morris, Woods, Pasanello, Aitken, Leake

B. Certification of Closed Session

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Woods, Councilman
SECONDER:	Steve Aitken, Vice Mayor
AYES:	Swinford, Caudle, Morris, Woods, Pasanello, Aitken, Leake

C. Chief Roop

Move to accept the resignation of Chief James Roop, effective immediately

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Morris, Councilman
SECONDER:	Matt Caudle, Councilman
AYES:	Swinford, Caudle, Morris, Woods, Pasanello, Aitken

D. Hire Interim Chief of Police

Move to hire Greg Smith as interim part-time Chief of Police at a rate of \$55 per hour. Mr. Smith will retain all authority with regard to personnel and overall responsibility of the Police Department reverts from the Town Manager to Greg Smith

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Morris, Councilman
SECONDER:	Steve Aitken, Vice Mayor
AYES:	Swinford, Caudle, Morris, Woods, Pasanello, Aitken

3. Council Member Time

Morris

- He would like to see if there are qualified individuals in the Town who could assist on the 4 committees
- He thinks the Town should be writing articles to submit to the newspapers. He thinks that further educating the public from the Town's perspective. He believes it would help kill the gossip.

Swinford

- She would like on the next agenda the consideration of additional staffing on the ARB and PC

Woods

- Nothing this evening

Caudle

- He has spoken with a few businesses; it was suggested that we have some type of business liaison from the staff. There seems to be a lot of unrest on how business friendly we are.
- He thinks it is a good idea to have a flat rate for payment to the Council members.
- With regard to events, he feels the Town businesses should have the first right of refusal to participate in the Town events rather than having competing business

Pasanello

- He feels we need to develop an outreach plan to the businesses and to the residents. We really need to hear from the public and get their input

Aitken

- He would just like to say that for once, he is looking forward to the next two years

A. Town Attorney Opins on Validity of Adopted Budget

Question that was raised by Mr. Bob Weir's email

Martin Crim - Town Attorney, Parliamentarian

Mr. Weir, Chair of the Planning Commission raised an issue that in his view the Town was not operating with a valid budget. He thanks Mr. Weir for bringing his concern to the Town. What Mr. Weir is questioning is with regard to the process. On June 23, 2014 there was a resolution for the adoption of the FY 2015 budget, reflecting no tax rebate. On June 27 Council voted to rescind that budget vote and to adopt a resolution adopting the 2015 budget with amendments. In the interim the Town Council resolved to have the rebate issued in FY 2014. There were a number of motions that were made, then there was a veto on July 1. The resolution to adopt the 2015 Budget with amendments on June 27 was vetoed. Mr. Weir's concern is with regard to the "motion to reconsider" the June 23rd adoption of the FY 2015 budget. He does feel the Town has a valid budget.

The Town Charter in Article III, Section 1 (8) provides a three-step process for the adoption of ordinances and resolutions that have the effect of an ordinance. First step is the Council votes on it; second step is the Mayor either signs it or vetoes it, and if he vetoes it, he gives his reasons for vetoing it; third step is if the Mayor has vetoed it, then it is subject to an override vote by 2/3 of the Council.

Then Roberts Rules of Order discusses the motion to reconsider suspends all action that depends on the result of the vote to be reconsidered either until the motion to reconsider has been voted on and if the motion is adopted until the reconsideration is completed or if the motion to reconsider is not taken up until the suspension terminates. So one of two things happens: When the motion to reconsider is made it suspends the action that is being

reconsidered either A) until the motion to reconsider has been voted on, and if its adopted until the reconsideration is completed, or B) time passes and the reconsideration motion is not voted on. Then the effect of the adoption of the motion to reconsider is immediately placed before the assembly again on the question of the vote that is being reconsidered and the exact procedural position. So what happened was, a motion was made to reconsider the June 23rd adoption of the budget, that action placed the matter back before the Council and then the motion was passed to reconsider, that action placed the budget back before the Council for further action. So the effect of the motion to reconsider on June 27 was to suspend the prior resolution of June 23rd not to annul it but simply to suspend it until the reconsideration was complete. Remember, there is a three step process for voting on any motion, vote, veto, override. So that reconsideration was never completed. The June 27th motion to reconsider did not nullify the prior budget it merely suspended that budget approval until the reconsideration was completed. Due to the Mayoral veto and the lack of an override, the reconsideration was completed with the reconsideration of the motion failing to have been adopted. In other words, the reconsideration failed because it didn't get to the override stage. At that point the suspension of the June 23rd motion, ended. The June 23rd budget was suspended and when the suspension ended, that budget came back into effect. Upon the completion of the reconsideration the motion to amend failed, the suspension of the resolution of the June 23rd budget adoption was lifted and you have the original budget of June 23rd. Mr. Crim's read of the parliamentary procedure, the Town Charter, and the actions that were taken by Council is that the Town has a valid budget currently.

B. Mayor Leake

The Town honors and appreciates the years of dedication and service that Chief Roop has given to the Town of Haymarket and we wish him the best in his future endeavors. At the same time, we are looking forward to the opportunity to explore the new direction under interim Chief Greg Smith and continue the mission of the Haymarket Police Department to serve and protect the citizens and the businesses of the Town

4. Adjournment**A. Motion to Adjourn**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Kurt Woods, Councilman
AYES:	Swinford, Caudle, Morris, Woods, Pasanello, Aitken

Submitted:

Approved:



Jennifer Preli, Town Clerk_____
David Leake, Mayor